

RESPONSE

In response to the Office Communication dated January 9, 2008, setting forth a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (a copy of which is enclosed), Applicants have amended claims 26 and 39 to add the appropriate sequence identifier. The sequence disclosed in claims 26 and 39 is contained in the Sequence Listing filed on September 23, 2005, and was also disclosed and identified by the appropriate sequence identifier number in the substitute specification filed on September 23, 2005 (see, for example, p. 10, ln. 8). Therefore, no substitute Sequence Listing or substitute computer readable form (CRF) of the Sequence Listing is believed to be required. No new matter is introduced by this amendment.

Should the Examiner have any questions or comments regarding this matter, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,



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Agent for Applicants

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Date: January 23, 2008



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/550,820

09/23/2005

Michael Buschle

SONN:077US

8341

32425 7590 01/09/2008
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AUSTIN, TX 78701

EXAMINER

LE, EMILY M

ART UNIT

PAPER NUMBER

1648

MAIL DATE

DELIVERY MODE

01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

FULBRIGHT & JAWORSKI, LLP
IPT DOCKETING
Docketed ☒ Not Req'd ☐ Confirmation ☐
Initials 1st om Initials 2nd BN

JAN 14 2008

Attorney MBWDocket No. AO-SONN: 077US
Action Req'd

Date Due

1mtn response due initial deadline
2/19/08.

Clms. 26, 39
add (SEQ ID NO: 6)

Final deadline
7/19/08.



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| | | | |
|--|---------------------------|--|---------------------|
| APPLICATION NO./CONTROL NO. 10/550820 | FILING DATE 09/23/2005 | FIRST NAMED INVENTOR/PATENT IN REEXAMINATION BUSCHLE M. | ATTORNEY DOCKET NO. |
|--|---------------------------|--|---------------------|

EXAMINER
Emily M. LeART UNIT
1648

PAPER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:
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P.O. Box 22313-1450
Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:
U.S. Patent and Trademark Office
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Randolph Building

401 Dulaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Emily M. Le whose telephone number is (571) 272-0903.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Bruce Campell, whose telephone number is (571) 272-0974.

/Emily M. Le/
Patent Examiner
Art Unit 1648

| | | | |
|-------------------------|-------------------------------------|---------------------------------------|--|
| Notice to Comply | Application No. 10/550820 | Applicant(s) BUSCHLE ET AL. | |
| | Examiner Emily M. Le | Art Unit 1648 | |

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The claims recite sequences that are not accompanied by a sequence identifier, i.e., SEQ ID NO:.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951

For CRF Submission Help, call (571) 272-2510

PatentIn Software Program Support

Technical Assistance. 1-866-217-9197 or 703-305-3028 or 571-272-6845

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